HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18457 of 2006

Dated:19.09.2006

Between:

M/s.Indira Quarry Workers Industrial Co-operative Society.

…Petitioner

and

The Director of Mines & Geology and others.

…Respondent

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WRIT PETITION No.18457 of 2006

ORDER:

The fourth respondent herein was granted a quarry lease for road metal in the land admeasuring 0.5 Hectares in Survey No.54 of Yeleswaram Village and Mandal in East Godavari District. The petitioner is a Co-operative Society of persons engaged in quarry work. The petitioner was also granted a mining lease by proceedings dated 24.08.2005 in respect of the land admeasuring 4.000 Hectares in Survey No.54 of Yeleswaram Village. It appears, the quarry granted to the fourth respondent is situated ten feet above to the petitioner's quarry on the hillock and whenever there is a blasting by the fourth respondent, the boulders are allegedly falling in the entire area. Be that as it is, the lease granted to the fourth respondent is expiring in November 2006, and the fourth respondent applied for renewal of the lease, which is under consideration. The petitioner seeks a writ of mandamus declaring the action of the respondents in taking steps to renew the licence/lease of the fourth respondent.

The Writ Petition is premature and wholly misconceived. Even assuming that the fourth respondent would conduct quarry operations by resorting to blasting, detrimental to the interest of the petitioner, the remedy of the petitioner is to approach appropriate authorities to prevent such blasting. As on today, the petitioner has not complained to any of the authorities. Secondly, except alleging that the fourth respondent applied for renewal of the lease, there is no such

allegation that the petitioner raised any objection for such renewal. As and when renewal is granted to the fourth respondent, such an order can always be the subject matter of an appeal before the appellate authority under Rule 35 of the Andhra Pradesh Minor Mineral Concession Rules, 1966. This Writ Petition is presumably filed to prevent the authorities from renewing the lease. Under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, a person who gets mining lease initially is entitled to seek renewal, and if the proposal to renew the lease is interfered at this stage, the same would deny the right of renewal to the fourth respondent. As and when renewal is granted, the petitioner can seek appropriate relief before the appropriate Forum.

The Writ Petition, is therefore, dismissed. No costs.

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(V.V.S.RAO, J)

19.09.2006
vs